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May 3, 2011

VIA ECF

The Honorable David N. Hurd
United States District Court Judge
United States District Court
for the Northern District of New York
Alexander Pirnie Federal Bldg.
10 Broad Street
Utica, NY 13501

**Re: *Utica Mutual Insurance Co. v. Fireman's Fund Insurance Co.*,
No.: 6:09-0853 (DNH)(GHL)**

Dear Judge Hurd:

We write to respond to Fireman's Fund's May 2, letter, which we received today.

Fireman's Fund's states there is no genuine need for a reply because Utica does not assert that any new argument was raised in the Opposition that Utica could not have anticipated earlier. Utica sought leave to submit a reply so it could address Fireman's Fund's numerous misrepresentations and arguments based on those misrepresentations. Until Utica received Fireman's Fund's Opposition, Utica obviously could not have anticipated the misrepresentations – which Fireman's Fund did not dispute in its letter – or the arguments that Fireman's Fund advanced based on those misrepresentations. Accordingly, the Court should grant leave for Utica to submit its reply papers.

In addition, contrary to Fireman's Fund's claim that Utica argued the merits, Utica identified specific misrepresentations in its letter to demonstrate why Utica should be permitted to submit reply papers.

Sincerely,


Syed S. Ahmad